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An Overview of The Acid Attack Laws in India

Divyansha Verma[1]

ABSTRACT

The most horrific kind of violence ever performed against anyone is thought to be an acid attack. It is a type of gender-based violence since more than 70% of incidents involve at least one female victim. It is the deliberate and planned application of acid to another person who is not at fault. Possible causes include easy access to acid, a patriarchal society dominated by men, domestic violence, scorned and despised lovers, etc. The attackers, who throw acids on the defenceless victims without thinking about the long-term effects, irreversibly alter their faces and other bodily parts. Bangladesh has been successful in reducing acid violence by almost 80% thanks to their laws making acid attacks punishable by death and requiring acid buyers to obtain a license. Unfortunately, the situation is not the same here in India. The number of acid attacks has not decreased with acid still being openly sold and made available to offenders. The number of acid attack cases is increasing rapidly. It's high time that the society must let go of the "men over women" narrative and start taking such gruesome crimes seriously. Also, better implementation of the law is required in order to see a decline in these attacks. The victims of this crime should also receive assistance from society by being accepted rather than being shunned and marginalised.

Keywords: Acid Attacks, gender-based violence, patriarchal mindset, Criminal Procedure (Amendment) Act, 2013

INTRODUCTION

Acid attacks are a heinous crime that should be punished with the full force of the law. Unfortunately, these attacks are on the rise in many parts of the world, and current legislation is not doing enough to deter perpetrators.

[1] Student at Dr. Ram Manohar Lohiya, National Law University, Lucknow

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Tougher legislation is needed to properly punish acid attackers and to provide better protection for victims. This includes harsher penalties for convicted attackers, as well as longer-term support for victims both during and after the attack.

We also need to raise awareness of acid attacks and how to prevent them. Education is key in preventing these senseless crimes, and we need to work together to create a society that is intolerant of violence against women.

WHAT ARE ACID ATTACKS

Acid attacks are a horrific form of violence that can leave victims with lifelong injuries. They involve the intentional throwing of acid or any other corrosive substances onto the victim's face or body. The acid can cause severe burns, permanent scarring, and even blindness.

An acid attack can be executed with not just acid but any other corrosive substance as well. Often substances like sulphuric acid, hydrochloric acid, nitric acid, potassium hydroxide or even boiling hot oil are used for such gruesome acts. The effects of an acid attack can be devastating, both physically and emotionally. The victims often suffer long-term physical and psychological damage.

HISTORY OF ACID ATTACKS

Historically known as 'vitriol' sulphuric acid was first manufactured on an industrial scale in the 18th century England. In the 1740s it began to be sold as bleach and cleaning agent which made it easily accessible in parts of Western Europe and the United States which led to its use for violent purposes. These attacks were commonly known as 'Vitriolage'.

The first reported incident of throwing 'vitriol' happened in Glasgow in which the perpetrators were given harsh punishment. In the words of Reformers' Gazette, a newspaper in Glasgow, "The crime of throwing vitriol has, we grieve to say, become so common in this part of the country, as to become almost a stain on the national character". The article was written about a man, Hugh Kennedy who was sentenced to death for throwing vitriol on a sleeping man. The writer continued in horror about these acid

attacks, "We would have their arms cut off by the shoulders, and, in that state, send them to roam as outcasts from society, without the power of throwing vitriol again".[2]

In addition to its use as a weapon in labour clashes, sulphuric acid was also a common weapon in domestic disputes. Men would throw acid on their wives out of jealousy or sometimes women used to throw it on men who impregnated them out of marriage or even on the mistresses of their husbands.

By the middle of the 20th century, acid almost stopped being used as a weapon for domestic purposes in the United States and Western Europe, but during the 20th and 21st centuries, it became more common in other parts of the world, particularly in South Asia, South-east Asia, Sub-Saharan Africa, and Latin America.

THE PREVALENCE OF ACID ATTACKS

Acid attacks are a desperate act of violence and are on the rise in the country. According to MoS Ajay Kumar Mishra, there have been 386 acid attack cases on women registered in 2018 to 2022, out of which only 62 persons were convicted.[3] "There are so many more cases of acid attack that happen but never get filed especially in our hinterlands because in so many of these cases settlement happens outside the judiciary. Several other external factors like caste, class, power also come into play when registering such cases," says Ashish Shukla of Chaanv Foundation.[4] This is a particularly worrying trend, as acid attacks are notoriously difficult to prosecute.

Initially, acid attack or 'vitriolage' was carried out during labour clashes and domestic disputes by both men and women but as times have passed, these attacks have fluxed into the form of gender-based violence. Analyses of news reports revealed at least 72% of the reported cases included at least one female victim.[5]

CAUSES OF ACID ATTACKS

- **Male Dominance in Society**

[2] Peter Mackenzie, 'Execution of Hugh Kennedy' *Reformers' Gazette* (Glasgow 1 February 1834) 332
[3] AIR News, '386 Acid Attack Cases on Women Registered in 2018 to 2022': MoS Ajay Kumar Mishra' (*All India Radio News,* 2 August 2022) https://newsonair.gov.in/News?title=386-acid-attack-cases-on-women-registered-in-2018-to-2022%3A-MoS-Ajay-Kumar-Mishra&id=445334 accessed 3 August 2022
[4] Poorvi Gupta, 'India Is Failing Acid Attack Survivors, Here Is The Data' (Shethepeople 16 January 2020) https://www.shethepeople.tv/news/india-acid-attacks-survivors-data/ accessed 3 August 2022
[5] TNN 'Acid Attack Case' (The Times Of India 23 July 2022) https://m.timesofindia.com/topic/acid-attack-case/ampdefault accessed 3 August 2022

The male dominated society has been proven to be a major factor in the rise in acid attacks. This is because in a male dominated society, the man has most of the control and power. The woman then becomes a victim of this power and are considered as the property of men so when they refuse to do what their male counterparts tell them, they get attacked with acid to be taught a lesson.

The attackers are usually men who feel that they have been disrespected by the woman in some way and this is their way of getting revenge. In many cases this happens when a woman does not give in to sexual advances of men or when they spurn their marriage proposals.

- **Easy and Cheap Availability of Acid**

This is the primary cause of the burgeoned cases of acid attacks in India. Acid is used in goldsmith shops, automobile shops, households for cleaning toilets and bathrooms etc. People can easily procure it from such places. Also, it being inexpensive makes it easily obtainable.

- **Outlook of the People**

A major reason for these attacks is also the mind set of many perpetrators. They believe that if they can't have the woman then nobody else can, and to disfigure the woman's face, body or limbs is in their thinking, the best way to the same.

In our society, the appearance of a woman plays huge rule in her standing in the society. By disfiguring that, these men intend to shatter the woman's confidence and abase their standing in the society which unfortunately is what happens.

- **Orthodox Religious Beliefs**

Religion has largely been used as a patriarchal tool to elevate the status and power of men over women. In Srinagar, the little-known militant group Lashkar-e-Jabbar flung diluted sulphuric acid last fortnight on two schoolteachers in Khanyar for not wearing burqas.[6]

- **Domestic Violence**

[6] Outlook Web Desk, 'Fatwa Terrors' (*Outlook India*, 5 February 2022) https://www.outlookindia.com/magazine/story/fatwa-terrors/212996 accessed 3 August 2022

One of the main factors contributing to family members throwing acid on women is violence within the home. The spouse interprets a woman's denial of anything or her outspoken character as rebellion in our patriarchal society, which leads to such horrifying crimes. It might be connected to bringing dowry, infertility, disobedience, sexual rejection, suspicion, property issues, interpersonal conflicts, etc.

- **Revenge by Spurned 'Lovers'**

When a woman declines a man's marriage proposal or rejects his overtures, it is interpreted as spite, and in an effort to punish the woman, acid is poured on her. To satisfy a gruesome sense of revenge against the seeming denunciation, the perpetrator needs only a few seconds to throw acid on the victim. These people are unable to understand that the lesson they are imparting is permanent, ruining the woman's life throughout and impairing her appearance as well.

THE IMPACT OF ACID ATTACKS

Acid attacks are a form of violence that can have a devastating impact on victims. This includes not just physical but mental and social impact as well.

- **Physical Impact**

Acid causes severe pain and injury as it eats away at skin and muscle tissue layer by layer. It penetrates the skin's layers, reaches the fat and muscle below, and occasionally reaches the bone, dissolving it. The severity of the burn depends on the acid's strength and how long it remained in contact with the skin; the acid can even reach the internal organs if not meticulously rinsed out with water.

In addition, acid can quickly pierces through someone's eyes, ears, nose, and mouth if it is hurled in their face. The sufferers feel excruciating pain. Lips and eyelids can entirely burn off. The ears may shrivel up and the nose may dissolve, sealing the nostrils.

- **Psychological Impact**

The psychological impact of an acid attack can be just as damaging as the physical effects. Victims often feel humiliated and ashamed and can find it difficult to resume their normal life after the attack.

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Through surgical procedures, their outer wounds may be treated but the trauma stays deeply rooted with them. Survivors have to deal with numerous cognitive issues like anxiety, depression and low self esteem coping with which takes years.

- **Social Impact**

They are treated as outcasts and called various name for their looks. Basic activities like shopping, eating, going on a jog etc. become extremely difficult for the survivors. It is also difficult to obtain a job as many employers discriminate them on the basis of their disfigurements without caring about their qualifications.

In some cases, women are forced to live with their culprits them being their own husbands. Even the family members become unsympathetic towards the victims which may lead to economic instability for them.

Such hostile behaviour towards the survivors may also take away their lives.

- **Economic Impact**

Treatment of acid attacks is a lengthy one with an average of 20-30 sittings required which costs around 10 to 20 lakh rupees.[7] Most of the victims being from low or middle economic background cannot afford such treatments.

Adding to this is the lack of job opportunities for them creating a big hurdle to meet their financial needs. They have to consider the possibility of burning up their funds and accumulating an overwhelming amount of debt.

EARLIER LEGISLATION ON ACID ATTACKS

Before the passing of The Criminal Law (Amendment) Act 2013, there were no separate laws regarding acid attacks. They were dealt with under Sections 320, 322, 325, 326 and 307.

Section 320 of IPC

[7] Ashwaq Masoodi, Monalisa, (*Rebuilding a life after an acid attack*, 6 January 2015) https://www.livemint.com/Politics/F3tFlPfsE4JjNMtsfE3FGP/Rebuilding-a-life-after-an-acid-attack.html accessed 4 August 2022

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This section of the IPC lists various kinds of hurts that come under the category of "grievous hurt".

[8] [**Grievous Hurt.—** The following kinds of hurt only are designated as "grievous":—
First.—Emasculation.
Secondly.—Permanent privation of the sight of either eye.
Thirdly.—Permanent privation of the hearing of either ear.
Fourthly.—Privation of any member or joint.
Fifthly.—Destruction or permanent impairing of the powers of any member or joint.
Sixthly.—Permanent disfiguration of the head or face.
Seventhly.—Fracture or dislocation of a bone or tooth.
Eighthly.—Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits.]

Section 322 of IPC

This section states the criterion for a person to have voluntarily cause grievous hurt. It mentions that the knowledge and intention of the person are the essential ingredients to constitute the offence of grievous hurt.

[9][**Voluntarily causing grievous hurt.—** Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt". Ratanlal Ranchhoddas and Dhirajlal Keshavlal Thakore, *The Indian Penal Code (Students Edition)* (1st edn, LexisNexis 2014)

Explanation. —A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt, if intending or

[8] Ratanlal Ranchhoddas and Dhirajlal Keshavlal Thakore, *The Indian Penal Code (Students Edition)* (1st edn, LexisNexis 2014) Section 320

[9] Section 322 (n 8)

knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

Illustration

A, intending of knowing himself to be likely permanently to disfigure Z's face, gives Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of twenty days. A has voluntarily caused grievous hurt.]

Section 325 of IPC

This section talks about the punishment of imprisonment of maximum 7 years along with fine for the crime of causing grievous hurt.

[10][**Punishment for voluntarily causing grievous hurt.—** Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.]

Section 326 of IPC

This section of the IPC throws light on the acts of grievous hurt caused by dangerous weapons or means. This also includes corrosive substances such as acid. It also states that the punishment for such crime is either life imprisonment or an imprisonment of maximum 10 years along with fine.

[11] [**Voluntarily causing grievous hurt by dangerous weapons or means.—** Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with [imprisonment for

[10] Section 325 (n 8)
[11] Section 326 (n 8)

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life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.]

Section 307 of IPC

This section states that a person who has attempted to murder another person with the knowledge and intention of murder, with the crime not being completely executed, shall be liable to even life imprisonment. here, the execution of the crime is not important but the intention and initiation is.

[12][**Attempt to murder.—**Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to [imprisonment for life], or to such punishment as is hereinbefore mentioned.

Attempts by life-convicts.- When any person offending under this section is under sentence of [imprisonment for life], he may, if hurt is caused, be punished with death.

Illustrations

(a) A shoots at Z with intention to kill him, under such circumstances that, if death ensued A would be guilty of murder. A is liable to punishment under this section.

(b) A, with the intention of causing the death of a child of tender years, exposes it in a desert place A has committed the offence defined by this section, though the death of the child does not ensue.

(c) A, intending to murder Z, buys a gun and loads it. A has not yet committed the offence. A fires the gun at Z. He has committed the offence defined in this section, and, if by such firing he wounds Z, he is liable to the punishment provided by the latter part of [the first paragraph of] this section.

(d) A, intending to murder Z by poison, purchases poison and mixes the same with food which remains in A's keeping; A has not yet committed the offence defined

[12] Section 307 (n 8)

in this section. A place the food on Z's table or delivers it to Z's servants to place it on Z's table. A has committed the offence defined in this section.]

The Criminal Procedure (Amendment) Act, 2013

Originated as an Ordinance issued by then President, Pranab Mukherjee, on 3 February 2013, The Criminal Law (Amendment) Act, 2013 was passed on 2nd April 2013 following the Nirbhaya case, in which a female student was gang-raped in December 2012.

It was based on the suggestions made by the Justice J SVerma Committee Report.

The Criminal Procedure Code, Indian Evidence Act, and a number of other sections were altered by this Act. By way of this amendment, several new offences have been acknowledged and added to the Indian Penal Code, including acid attack (Sections 326 A & B), voyeurism (Section 354C), stalking (Section 354D), attempt to disrobe a woman (Section 354B), sexual harassment (Section 354A), and sexual assault that results in death or injury that leaves a person in a persistent vegetative state (Section 376A). The Act also strengthened the penalties for the existing violations.

Here we are going to discuss the legislation regarding acid attack which are as follows:

Section 100 of IPC

This section provides the conditions and expands the scope of private defence. A person if attacked by another person with a threat to their life, may kill them with a proportionate means not beyond what is required without facing charges. In the 2013 amendment, acid attack was also added in the list of assaults attempted or threatened.

[13][**When the right of private defence of the body extends to causing death.—** *First.*—Such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault;
Secondly.—Such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault;
Thirdly.—An assault with the intention of committing rape;
Fourthly.—An assault with the intention of gratifying unnatural lust;
Fifthly.—An assault with the intention of kidnapping or abducting;
Sixthly.—An assault with the intention of wrongfully confining a person, under

[13] Section 100 (n 8)

circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release.

***Seventhly*.—An act of throwing or administering acid or an attempt to throw or administer acid which may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such act.]**

Section 166 A of IPC

[14][**Public servant disobeying direction under law**.— A public servant who refuses to record any information in relation to an offence under Section 326 A and 326 B (as well as some other sections), shall be imprisoned with rigorous imprisonment for a term of at least six months which may extend up to two years, and be liable to pay a fine.]

Section 166 B of IPC

[15][**Punishment for non-treatment of victim.—** Whoever, being in charge of a hospital, public or private, whether run by the Central Government, the State Government, local bodies or any other person, contravenes the provisions of section 357C of the Code of Criminal Procedure, 1973 (2 of 1974), shall be punished with imprisonment for a term which may extend to one year or with fine or with both.]

Section 326 A of IPC

[16][**Voluntarily causing grievous hurt by use of acid, etc.—** Whoever causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine:

[14] Section 166 A (n 8)
[15] Section 166 B (n 8)
[16] Section 326 A (n 8)

Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim:

Provided further that any fine imposed under this section shall be paid to the victim.]

Section 326 B of IPC

[17] [**Voluntarily throwing or attempting to throw acid.—** Whoever throws or attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

Explanation 1.—For the purposes of section 326A and this section, "acid" includes any substance which has acidic or corrosive character or burning nature, that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability.

Explanation 2.—For the purposes of section 326A and this section, permanent or partial damage or deformity shall not be required to be irreversible.]

Section 154 of CrPC

[18][When the information is given by the woman victim of a crime under Section 326A, 326B which are the sections dealing with acid attacks (and other sections of the IPC), the information will be recorded by a woman police officer or any woman officer.]

Section 357 B of CrPC

[19][**Compensation to be in addition to fine under section 326A or section 376D of Indian Penal Code.—** The compensation payable by the State Government under section 357A shall be in addition to the payment of fine to the victim under section

[17] Section 326 B (n 8)
[18] Section 154, The Criminal Procedure Code, 1973
[19] Section 357 B, The Criminal Procedure Code, 1973

326A or section 376D of the Indian Penal Code (45 of 1860).]

Section 357 C of CrPC

[20][**Treatment of Victims.—** All hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims of any offence covered under section 326A, 376, 376A, 376B, 376C, 376D or section 376E of the Indian Penal Code (45 of 1860), and shall immediately inform the police of such incident.]

LANDMARK CASES

Laxmi v/s Union of India[21]

This is the most historical and the most important case regarding acid attacks in India as it was after this case, the Supreme Court issued a list of guidelines controlling the storage, sale and purchase of acid and new legislations were made for the same.

Facts:

In 2005, a 15 year old Laxmi was attacked by three men in broad daylight in the busy streets of Delhi's Khan Market for refusing to marry a 32 year old Naeem Khan, also known as Guddu along with his elder brother Kamran. The acid disfigured her face, neck, and upper body causing her to undergo seven surgeries, even after which her original form could not be recovered.

The perpetrators were charged under Section 307 (Attempt to Murder) and Section 120B (Punishment related to Criminal Conspiracy) of the IPC by the Sessions Court but were later released on bail by the Delhi High Court on appeal filed by the defendant. But later, by the order of the Supreme Court they were sentenced to life imprisonment.

In 2013, she went on and filed a public interest lawsuit in the Supreme Court of India, upset by the bail the High Court had granted and the lack of a specific provision to control acid assaults. Before the Supreme Court, Laxmi presented three key arguments about the

[20] Section 357 C, The Criminal Procedure Code, 1973
[21] (2014) 4 SCC 427

control of acid attacks. This was done in order to properly and fully recognise acid assaults and associated compensation in Indian criminal statutes.

Issues Raised:

1. For making significant amendments to the Criminal Procedure Code, 1973 and the Indian Penal Code, 1860 regarding acid attacks.
2. Complete prohibition of the sale of acid and all of its derivatives, including over-the-counter sales of such acids.
3. The prosecution of those who throw acid as well as the rehabilitation of those who are injured, including medical care and financial compensation.

Judgement and Decision:

In its judgement the Apex Court of India issued a list of guidelines for the storage, purchase and sale of acid which are as follows:

1. No underage person may buy acid.
2. When buying acid, the buyer must present his identity card and state the reason for the purchase. The same information must be given to the nearest police station within 3 days.
3. The seller is obliged to submit a report on acid stocks to the SDM within 15 days. If the seller fails to submit this report, the SDM may, at its discretion, confiscate the unreported acid stocks and impose a fine of up to 50,000 rupees.
4. If acid is purchased by an institution, company, laboratory, etc., for research, teaching or experimental purposes, the relevant evidence shall be recorded in a register to be submitted to the SDM.
5. A person should be authorised to safely control the storage and handling of acid at the above-mentioned places and to record the entries and exits of each person.

"Acid" was declared as a poison under the Poison Act by the amendments made by the State legislations.

The court also ordered all Indian States and Union Territories instructions to provide a minimum of Rs. 3,000,000 for each victim of an acid assault under the Victim Compensation Scheme.

The State/Union Territory State Legal Services Authority was ordered by the Supreme Court to publicise the Victim Compensation Scheme widely and effectively in the State/Union Territory in question so that any victim of an acid attack might benefit from it.

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Regarding the treatment, it was mandated that the sufferer must get First Aid before being sent to a specialised facility for additional treatment after stabilisation.

No hospital or clinic may refuse care on the grounds that it lacks specialist equipment, and the victim of an acid attack may pursue further legal action if a particular complaint is made against a private hospital or government hospital.

The provision of complete medical support as well as free medical care by private hospitals to acid attack victims was mandated.

There was also the addition of Section 326A and 325B in the IPC and Section 357A in the CrPC by The Criminal Procedure (Amendment) Act, 2013. A person convicted of an acid assault is now subject to a minimum ten-year term and a life sentence under the new law.

Parivartan Kendra v. Union of India[22]

Facts:

Four men, namely Anil, Ghanshyaam Baadal and Raja poured acid on Chanchal, a Dalit girl from the roof of her house which burnt her face and body and some body parts of her sister as well. This was done because she refused to entertain their illicit demands.

The cost of their medial treatment was up to 5 lakh, which their father could not afford to pay, so he went into debt. In addition, the girls were refused admission to the hospital because they are Dalits and were mistreated by the medical staff.

Due to the Supreme Court's ruling in Laxmi v. Union of India, Chanchal's father was finally able to receive compensation of 3 lakhs after a long struggle. However, this amount was not enough to compensate for the damage caused to the daughters and the family. It was also found that this case required free medical care, medication and psychological support.

As a result, Chanchal's father approached the non-governmental organization Parivartan Kendra, which filed a written petition in the Supreme Court demanding proper medical care, plastic surgery, adequate compensation and rehabilitation for the victim, and specific laws and guidelines for rehabilitation and justice for acid attack survivors.

Issues Raised:

[22] (2016) 3 SCC 571

1. Whether the guidelines established by the Court in Laxmi v. Union of India, the Survivor Compensation Schemes, the Criminal Amendment Law (Amendment) Ordinance 2013, and the Rs. 3 lakh compensation amount do not offer victims of acid attacks an adequate remedy and are in line with current international law to address this offence.
2. Whether or not those who have survived acid attacks require standardised care and management procedures.
3. Whether more measures need to be adopted to guarantee the Constitution's fundamental rights for citizens, to protect the position of acid attack victims, who are predominantly women, and to give other recommendations to ensure the victims' prompt treatment, recovery, and rehabilitation.

Judgement and Decision:

According to the ruling, the Rs. 3 lakh compensation amount awarded by the Supreme Court in Laxmi's case should be regarded as a minimum and the states should provide for more money as compensation as and when it is necessary, taking into account the victims' misery and requirements.

Even though it had already established numerous regulations in this regard, the court concluded that the State authorities had been negligent in maintaining control over the distribution of acid and preventing it from falling into the wrong hands. States had also disobeyed the earlier court order to implement the victim compensation scheme, and that they had only been sanctioned a pitiful sum that was insufficient to ease the victim's pain.

It also acknowledged the difficulty that this order would place on the States, but said that it was vital to support the victim's rehabilitation and ensure that the States are adhering to the rules. The State is required by the court's order to include victims of acid attacks on the list of people with disabilities.

As a result, the court approved compensation payments of Rs. 10 lakh for Chanchal, the primary victim, and Rs. 3 lakh for Chanchal's sister, to be made within three months of the ruling.

Success of Acid Attack Laws in Bangladesh

The first recorded acid attack case in South Asia occurred in Bangladesh in 1967.[23] Another incident took place in 1980s when a folk-drama (Jatra) artist was disfigured by acid. This matter was reported by newspapers creating a controversy. More such attacks

[23] Jane Welsh, 'It Was Like Burning Hell' (Master's thesis, University of North Carolina 2009) https://core.ac.uk/download/pdf/210604123.pdf accessed 5 August 2022

emerged exponentially in the 90s and were mostly carried out by spurned and jilted men on women to "spoil them" for anyone else.

Naripokkho is a women's activist organization in Bangladesh which works to improve women's rights and entitlements while also creating resistance against violence, discrimination, and injustice. It has been involved in a variety of activities connected to violence against women in Bangladesh since its inception in 1983, including campaigns, cultural events, training, research, lobbying, and advocacy.

In their work, they observed easy and cheap availability of acid, impunity and protection to the attackers by politically powerful, lack of proper infrastructure and transport facilities for timely treatment as some important factors in these attacks.

Homes are typically composed of bamboo in rural areas or even urban slums, making them extremely breakable. Women are more susceptible to attacks by men in their neighborhood when there is such insecurity in their home. It has been reported that the vaginas of women are frequently the target of acids. This is made possible by the fact that public restrooms are set back from homes. They are either attacked in the restrooms or acid is added to the water they use to wash themselves.

In response to this, massive protests and public awareness campaigns were carried out by people which resulted in the Government of Bangladesh deciding to put a stop to this abhorrent crime by enacting two acts, the Acid Control Act and the Acid Offense Prevention Act in 2002.

The Acid Control Act, 2002

[The Acid Control Act of 2002 was introduced in order to regulate the import, manufacture, transportation, storage, sale, and use of acid, prohibit its misuse as a corrosive inflammatory agent, and to treat, rehabilitate, and offer legal support to victims of acid violence.

A person who violates any of the provisions of this Act by producing, importing, transporting, storing, selling, or using acid without a license would face 3–10 years in prison and a punishment that cannot exceed BDT 50,000.

According to the Act, the Deputy Commissioner is the licensing authority for transport, storage, sale, and use of acid in order to manage it, while the government is the licensing authority for the import and production of acid. According to this Act, license holders are required to maintain records of all acid

usage. The District Acid Control Committee (DACC) will consider applications for legal aid from acid victims who are not financially stable.][24]

Acid Offense Prevention Act. 2002

[The Acid Offence Prevention Act 2002 was passed also passed to control acid crimes. Depending on whatever body parts the acid has harmed, there are different sanctions. Any person who intentionally uses acid to kill another person, injure someone else so that they lose all or some of their eyesight or hearing, or have their face, breast, or sexual organs defaced or destroyed, will be punished by death or rigorous life imprisonment, and they will also be subject to a fine of no more than BDT 100,000. Damage or disfigurement to any other organ, ligament, or body part carries a punishment of 7–14 years in prison as well as a fine of no more than BDT 50,000.

Even if there is no damage or harm, the attempt to hurl acid carries a sentence of 3 to 7 years in prison as well as a fine not to exceed BDT 50,000. Additionally, if someone helps someone else commit the crime of hurling acid, that person will also be punished.

Bail is not available for offences covered by the Acid Offence Prevention Act of 2002. According to the aforementioned Act, anyone who files a fraudulent case or complaint will be subject to harsh punishment, including a maximum sentence of 7 years in prison and a fine. The Acid Offence Control Tribunal shall hear cases involving offences under this Act.][25]

However now, the situation there is comparatively better than that of India. The Government of Bangladesh is one of the first ones to come up with an enactment penalizing acid attacks.

[Just eight such attacks had been documented in 2019, according to the Acid Survivors Foundation (ASF), a significant decrease from the 494 incidents registered in 2002.

24 Omar Khan Joy, 'Your Advocate' (The Daily Star, 22 November 2016) https://www.thedailystar.net/law-our-rights/your-advocate/your-advocate-1318321 accessed 5 August 2022

25 (n 23)

Since then, at least 14 people have received death sentences, and 338 others have been imprisoned, according to ASF. Almost 700 additional people have also been arrested.][26]

A historically low number of acid assaults in Bangladesh is a result of the citizens' advocacy with the government and grassroots mobilisation. At the local level, there was participation, and advocacy tactics were created along with numerous workshops and seminars.

According to Sanjay Bharadwaj, an assistant professor for South Asian Studies at the Jawaharlal Nehru University in Delhi, "Bangladeshi society is more sensitive towards women's rights because women are strong economic players in the country."[27]

FAILURE OF CURRENT LEGISLATION ON ACID ATTACKS IN INDIA

Ajay Kumar Mishra, Minister of State for Home Affairs, stated that 386 incidences of acid attacks on women were reported throughout the nation from 2018 to 2022, out of which 62 people were found guilty of the crime.[28] In reality, statistics[29] [30] show that 2019 had 394 cases of acid attacks and 107 cases of attempts of acid attacks. Also, 2020 had 109 cases of acid attacks along with 33 cases of attempts of acid attacks. This shows just how seriously such matters are taken in our country and these are only the reported cases.

Acids of all sorts and quantities are readily available in the market at affordable rates, as seen by the ongoing attacks on unwitting victims, even though the Supreme Court banned the over-the-counter sale of acid in 2013 to restrict its distribution throughout the nation.

[26] 'Tough laws sharply reduce Bangladesh acid attacks on women' (The Straits Times, 4 November 2019) https://www.straitstimes.com/asia/south-asia/tough-laws-sharply-reduce-bangladesh-acid-attacks-on-women accessed 4 August 2022
[27] Monalisa, 'Acid attacks: mere legislation won't do' (*mint* 9 January 2015) https://www.livemint.com/Politics/BzQrdMe4shXyRSwhWriXxJ/Acid-attacks-mere-legislation-wont-do.html accessed 5 August 2022
[28] (n 2)
[29] https://ncrb.gov.in/sites/default/files/Table%203A.7.xlsx
[30] Ministry of Home Affairs, *Crime in India (2020) Statistics Volume-I* (National Crimes Record Bureau 2020).

In India, many women are still not financially independent. Majority of them are still considered to be "made for household work" and not allowed to voice their opinion. Unless there isn't a public outrage against a very heinous crime, no one bothers to take initiatives.

The system is filled with corruption. Many times culprits get away with due to the negligence of police in dealing with the matters or settlements being made out of courts. This leaves the culprits with no sense of remorse, guilt or fear.

WHAT TOUGHER LEGISLATION WOULD LOOK LIKE

If we want to see a decrease in acid attacks, we need to have tougher implementation of the legislation in place. This would mean harsher penalties for the perpetrators, as well as more support for the victims. It would also mean better regulation of acid sales. It would be harder for attackers to get their hands on acids if they were harder to obtain.

Harsh laws have already been made but in the end it all comes to 'implementation'. No matter how many strict rules are made, if the implementation is not done properly, it all goes to waste.

The officers employed in concerned departments must empathize with the situation of the victims, make sure the victims are timely provided with the adequate amount as compensation and be thorough with their investigations on such matters.

They must make sure that the shopkeepers selling acid are not selling it to anyone without proper procedure laid down by the Supreme Court. Harsher punishment for negligent sellers and keepers of acid should be implemented. Surprise check of acid sale records in shops and of required equipment in hospitals, random market surveillances are also effective methods of keeping the sale of acid regulated.

It is extremely important raise awareness about the issue of acid attacks. This way more people would be aware of the problem and how to report it if they see it happening. In many cases, lack of timely given first aid leads to the injuries of the victim to worsen. In such cases, people must try to help the victim as soon as they can.

CONCLUSION

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Acid attacks are a heinous crime that leave victims with physical and emotional scars that can last a lifetime. In our country, they are present in the form of gender-based violence.

The current implementation of the legislation around acid attacks is not tough enough. Even after the Supreme Court showed major concern over the matter, provided various guidelines to be followed regarding the sale and procurement of acid, it is still being sold in the open, at cheap prices and as a result, these attacks are happening more and more often. The compensation is not provided to the victims on time due to departments being negligent towards them, bureaucracy and red tape. We must provide better support for victims so they can rebuild their lives.

India is not the only country plagued with this peril. Bangladesh, our neighbour too had such issues and still does but has been successful in the implementation of their rules and has brought down the number of cases tremendously.

We must learn from them and bring changes in the society, in the system and in the way the rules are implemented in our country.

Finally, the perspective through which the society sees women needs to change. Women are not an object that men have an authority over. Women have feelings of their own and have every right to speak for themselves and reject whomever they want to for any advances. They are completely capable of taking care of themselves, on their own. There is a strong need of uplifting women in the society as employees, as businesspersons, as professionals and most importantly, as human beings.

It is better to start today than to wait for another horrendous crime to bring an outrage.

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